

MEMORANDUM

TO: Indiana Circuit Court Clerks and County Voter Registration Officers

FROM: J. Bradley King and Kristi Robertson, Co-Directors

RE: New procedures for certain military and overseas voters

DATE: March 26, 2003

New forms concerning military and overseas voters were distributed to you with our memo of March 20, 2003. These forms implement new legislation that allows certain military and overseas voters to vote by fax. This new legislation also allows certain military voters to register after registration is closed and the poll books are prepared. These "late registration" voters are allowed to vote absentee in the circuit court clerk's office. Below is a step-by-step description of the forms and procedures involved in implementing these new laws.

VOTING BY FAX

This new procedures allows absent uniformed services voters and overseas voters to receive and return absentee ballots by FAX.

An absent uniformed services voter is either: 1) a member of the Indiana National Guard deployed or on assignment outside of Indiana; 2) a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard (or other uniformed service), absent from the member's residence due to active duty; 3) a member of the Merchant Marine, absent from the member's residence; or 4) the husband, wife, or dependent of one of the individuals listed above.

An overseas voter is either: 1) a military voter (as described above) who is absent from the United States on active duty or service on election day; or 2) an individual not in the military but nonetheless living outside of the United States but still qualified to vote at the place in Indiana where the individual last resided.

STEPS:

- 1. The voter must obtain the new *Absentee Ballot Application for Absent Uniformed Services Voter or Overseas Voter to Vote by FAX* (ABS-12). This new form is available on the Indiana Election Division's website. This form may also be provided to a voter by faxing it to the voter.**
- 2. The voter completes and returns the completed ABS-12 to the clerk's office. Remember, absentee ballot applications may be sent and received by fax.**
- 3. Determine if the voter is eligible. Be sure to record the fax number and other contact information provided on the ABS-12 along with the other information recorded about absentee ballot applications.**
- 4. If eligible, fax the appropriate ballot and a blank *Cover Sheet and Affidavit for Absent Uniformed Service and Overseas Voter* (ABS-9) to the voter at the fax number provided. If you use the punch card voting method in your county you will have to prepare a paper ballot for voters who vote by fax.**
- 5. The absentee voter then votes the ballot and fills out the ABS-9 and faxes the ABS-9 and completed ballot back to the clerk's office. Note that the absentee voter signs a separate statement at the bottom of the ABS-9 waiving the voter's right to a secret ballot.**
- 6. The clerk or clerk's designee receives the ABS-9 and absentee ballot by fax. This person shall: a) Note the receipt of the absentee ballot in the records of the circuit court clerk as other absentee ballots received by the circuit court clerk are noted. b) Fold each ballot received from the voter separately so as to conceal the marking. c) Enclose each ballot in Absentee Ballot Envelope for Uniformed Service and Overseas Voter's Absentee Ballot (ABS-10); d) Securely seal the envelope. e) Mark on the ABS-10 envelope: "Absentee Ballot Received by Fax". and e) Securely attach to the envelope the faxed affidavit received with the voter's absentee ballots along with the absentee ballot application of the voter.**
- 7. The absentee ballot is then processed as other absentee ballots are processed in your county.**
- 8. The clerk or clerk's designee sends confirmation to the absentee voter voting by fax indicating that clerk's office received the voters ABS-9 and absentee ballot. This confirmation must be sent by the next business day following receipt of the absentee ballot. The simplest way to provide this notice is to fax a short note that: "_____ county circuit court clerk's office received your faxed absentee ballot with *Absentee Ballot Application for Absent Uniformed Services Voter or Overseas Voter to Vote by FAX* (ABS-9) on the _____ day of _____, 2003.**

LATE REGISTRATION AND IN-PERSON VOTING IN CLERKS OFFICE:

Absent uniformed services voters (or their spouse and dependants) who move to Indiana after voter registration closes and after the poll list is printed may register to vote and vote absentee in the clerk's office. More detail regarding the qualifications that apply to this type of voter is contained in the *Affidavit for Late Voter Registration by Absent Uniformed Services Voter* (ABS-13).

STEPS:

1. A voter who meets the qualifications must fill out three documents to register and vote under this new procedure: a) *Affidavit for Late Voter Registration by Absent Uniformed Services Voter* (ABS-13); b) a regular voter registration application (VRG-16); and c) a regular absentee ballot application (ABS-1). If the county has a separate board of registration, the clerk shall promptly deliver the registration application to the board of registration.
2. The voter may then vote in the election (but only by absentee ballot in the office of the circuit court clerk) until noon on Election Day.
3. The voter marks the ballot, puts the ballot into an *Absentee Ballot Envelope for Uniformed Service and Overseas Voter's Absentee Ballot* (ABS-10), and seals the envelope.
4. The clerk then fills out and signs the *Uniformed Services Voter Registration Certificate* (ABS-11) indicating that the voter has voted under this procedure.
5. The clerk attaches the absentee ballot application (ABS-1), *Affidavit for Late Voter Registration by Absent Uniformed Services Voter* (ABS-13), and *Uniformed Services Voter Registration Certificate* (ABS-11) to the *Absentee Ballot Envelope for Uniformed Service and Overseas Voter's Absentee Ballot* (ABS-10).
6. In a non-central count county, the absentee ballot is delivered to the appropriate polling place for processing. The inspector processes the absentee ballot like any other absentee ballot except for one thing: the inspector detaches the ABS-11 from the absentee ballot and attaches it to the back of the poll book. The poll clerks then sign the ABS-11 to indicate that the inspector did so. There are signature lines for the poll clerk at the bottom of the ABS-11.
7. In a central count county, the ABS-11 must remain detached from the absentee ballot and sent by courier to the polling place in the same manner as the certified lists of absentee voters. The inspector then attaches the ABS-11 to the poll book and the poll clerks sign the ABS-11 to indicate that the inspector did so.